

REMARKS

Claims 1-128 are pending in the application for the Examiner's review and consideration. Claims 1-104 were withdrawn from consideration. Claims 105-128 were rejected. Claim 105 was amended to include the disclosure of cancelled claim 110 and to more clearly recite the invention.

ELECTION/RESTRICTIONS

The Office Action alleges that the pending claims encompass 12 different inventions: Group I, claims 1-14, drawn to laundry additive compositions; Group II, claims 15-42, drawn to an article of manufacture; Group III, claims 43-57, drawn to a kit; Group IV, claims 58-64, drawn to a customized laundry solution; Group V, claims 65-75, drawn to a method of customizing a laundry solution; Group VI, claims 76-77, drawn to a business method; Group VII, claim 78, drawn to dispersing solids; Group VIII, claim 79, drawn to an interactive method; Group IX, claims 80-83, drawn to a merchandising display; Group X, claims 84-88, drawn to a method of providing information; Group XI, claims 89-104, drawn to perfumed articles; and Group XII, claims 105-128, drawn to effervescent articles.

Applicants respectfully traverse the restriction requirement and request either withdrawal or modification thereof in accordance with the discussion below. In order to be fully responsive, Applicants provisionally elect, with traverse, Group XII, claims 105-128. Applicants reserve their rights to file divisional applications for the non-elected claims, as well as any other matter disclosed in the present application which is not encompassed by the elected claims.

As the Examiner is well aware, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Manual of Patent Examining Procedure § 803 (8th ed. August 2001) (emphasis added).

Applicants submit that all the pending claims are directed to laundry methods and compositions comprising a fabric care active. Thus, fabric care actives are present in all of the claims. Therefore, even if Applicants were to elect one of the groups, the required search would necessarily encompass the subject matter of the other groups. Applicants therefore respectfully submit that a search of all of Groups I-XII would not impose a

"serious burden" on the Examiner. Applicants, therefore, respectfully request that the restriction of the claims be reconsidered and withdrawn.

In the alternative, Applicants respectfully request that the Examiner allow the prosecution of at least Groups I, II, III, XI, and XII, claims 1-57 and 89-128, together. These claims are directed to compositions having a fabric care active or mixture of actives that is between about 1% and about 99% of the additive composition and having less than about 5%, more preferably less than about 3%, and even more preferably less than about 1% detergent surfactant and less than about 5%, more preferably less than about 3%, and even more preferably less than about 1% fabric softener active. Applicants respectfully submit that the required search would necessarily encompass the subject matter of the other groups. For this reason, Applicants respectfully request that claims 1-57 and 89-128 be examined together.

In summary, Applicants have demonstrated that the subject matter of the claims of Groups I-XII should be examined together, and respectfully request therefore that the restriction requirement be withdrawn. Should the Examiner disagree, Applicants request that at least the claims of Groups I, II, III, XI, and XII, claims 1-57 and 89-128, be searched and examined together.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 105, 106, 109, 111-117, 120-122, 126, and 127 were rejected under 35 U.S.C. §102(b) as being allegedly anticipated by EP 812,808 A1 ("EP '808"). Applicants respectfully traverse and obviate the rejection.

On page 4 of the Office Action, it is alleged that the present invention is anticipated by EP '808. As the Examiner is no doubt aware, to anticipate a claim, each and every element of the claim must be disclosed in a single prior art reference. EP '808 does not disclose each and every limitation of the present invention. Specifically, EP '808 does not disclose an effervescent laundry article wherein the article is free of an anti-encrustation or suspending polymers that have molecular weight average of more than 2000.

Claim 105 discloses an effervescent laundry article wherein the article is free of an anti-encrustation or suspending polymers that have molecular weight average of more than 2000. EP '808 does not disclose or suggest an effervescent laundry article wherein the article is free of an anti-encrustation or suspending polymers that have molecular weight

average of more than 2000. Further, claim 105 was amended to include the disclosure of cancelled claim 110, which was not rejected by the Office Action. Thus, EP '808 does not disclose each and every limitation of the claim. Because each and every element of the claim has not been disclosed in a single prior art reference, Applicants respectfully request that the rejection made under 35 U.S.C. §102(b) be reconsidered and withdrawn.

Claims 105, 109, 111-122, 124 and 125 were rejected under 35 U.S.C. §102(a) as being allegedly anticipated by WO 99/35234 ("WO '234"). Applicants respectfully traverse and obviate the rejection

On page 4 of the Office Action, it is alleged that the present invention is anticipated by WO '234. As the Examiner is no doubt aware, to anticipate a claim, each and every element of the claim must be disclosed in a single prior art reference. WO '234 does not disclose each and every limitation of the present invention. Specifically, WO '234 does not disclose an effervescent laundry article wherein the article is free of an anti-encrustation or suspending polymers that have molecular weight average of more than 2000.

Claim 105 discloses an effervescent laundry article wherein the article is free of an anti-encrustation or suspending polymers that have molecular weight average of more than 2000. WO '234 does not disclose or suggest an effervescent laundry article wherein the article is free of an anti-encrustation or suspending polymers that have molecular weight average of more than 2000. Further, claim 105 was amended to include the disclosure of cancelled claim 110, which was not rejected by the Office Action. Thus, WO '234 does not disclose each and every limitation of the claim. Because each and every element of the claim has not been disclosed in a single prior art reference, Applicants respectfully request that the rejection made under 35 U.S.C. §102(b) be reconsidered and withdrawn.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 105-118, 120-123, and 125-127 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over EP '808. Applicants respectfully traverse and obviate the rejection.

On pages 5-6 of the Office Action, it alleges that it would have obvious to one of ordinary skill to make the present composition, because the reference teaches that all of the ingredients recited by applicants are suitable for inclusion in a water softening tablet. Applicants respectfully submit that EP '808 does not disclose or suggest each and every

limitation of the present invention. Claim 105 discloses an effervescent laundry article wherein the article is free of an anti-encrustation or suspending polymers that have molecular weight average of more than 2000. The Office Action states that "precipitation inhibitors are optional, so making the tablet free of such materials with MW of greater than 2000 would be obvious". Applicants respectfully disagree. EP '808 does not disclose or suggest that compositions having an article free of an anti-encrustation or suspending polymers that have molecular weight average of more than 2000 would be effective as a laundry article as disclosed by the present. At best, EP '808 discloses a PEG binder, preferably in the range of 200 – 10,000. There is absolutely no disclosure or suggestion of PEG as an anti-encrustation or suspending polymer. Thus, EP '808 does not disclose or suggest every limitation of the present invention. Applicants respectfully submit that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Claims 105-125 and 128 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over WO '234. Applicants respectfully traverse and obviate the rejection.

On pages 6-8 of the Office Action, it alleges that it would have obvious to one of ordinary skill to make the present composition, because the reference teaches that all of the ingredients recited by applicants are suitable for inclusion in a water softening tablet. Applicants respectfully submit that WO '234 does not disclose or suggest each and every limitation of the present invention. Claim 105 discloses an effervescent laundry article wherein the compositions of the article are thoroughly mixed. WO '234 does not disclose or even suggest an effervescent system wherein the compositions of the article are thoroughly mixed. At best, WO '234 discloses a composition having "a shaped body in which an ingredient (i) is mainly located in a defined region, this region representing no more than 40'% by volume of the shaped body". See, United States Patent no 6,410,500, col.1, lines 44-47. Thus, WO '234 does not disclose or suggest every limitation of the present invention. Applicants respectfully submit that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to all claims not specifically mentioned, these are believed to be allowable not only in view of their dependency on their respective base claims and any intervening claims, but also for the totality of features recited therein.

All claims are believed to be in condition for allowance. Should the Examiner disagree, Applicants respectfully invite the Examiner to contact the undersigned attorney for Applicants to arrange for a telephonic interview in an effort to expedite the prosecution of this matter.

CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested. No fee is believed to be due for the amendments herein. Should any fee be required, please charge such fee to Procter & Gamble Deposit Account No. 16-2480.

Respectfully submitted,

By 

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